

The Impact of Non State Actor's to Protect Refugees in Kurdistan Region of Iraq

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Abstract : The displacement of individuals has become a common interest for international players. Mostly occurs in Islamic states, as religion is considered the most common cause of this form of displacement. Therefore, this thesis aims to depict the reality of the situations of the refugees, particularly in KRI, illustrating how they are treated and protected and if the treatment merits the protection clause as envisaged in the 1951 Refugee Convention. Overall, the aim is to touch on the issue of protection by non-governmental organizations and government towards the refugees here. In light of this, it focused on the adequate protection of refugees in relation to the refugee law. In the Middle East, including Iraq, there have been multiple reports on violations of these refugee laws and human rights. Protection involves providing physical security to the concerned parties, functional administration with legal structures, and infrastructural setup that could help citizens exercise rights. The KRI has provided the refugees with various benefits, including education, access to residency, and employment. It also provided transitionary in various social dimensions like gender-based violence. The Convention on Status of Refugees 1951 tried to resolve this problem, whereby the principle of 'nonrefoulement' under Article 33 was passed. The 'nonrefoulement', an exceptional reference, was enacted to protect refugees from forcible return to their countries of the original. However, the convention never addressed an unusual scenario regarding the application of this principle, 'Extradition Treaties.' Even though some scholarly article exists regarding the problems of refugees, the topic of interplay between Nonrefoulement and Extradition Treaties has never been explained in detail in the available books on refugee laws and practices. Each year, millions of refugees seek protection from foreign countries for fear of being tortured, victimized, or executed. People seeking international protection are susceptible and insecure. The main objective of the prevention is to provide security to citizens susceptible to inhuman treatment, distress, oppression, or other human rights defilements when they arrive back in their own countries. The refugee situation may get worse in the near future. Just like several nations within the Middle East, Iraq is not a signatory to the globally acknowledged legal structure for the protection of refugees. The first law of 1971 in Iraq was issued only for military or political causes. This law also establishes benefits such as the right to education and health services and the right to acquire employment just as the Iraqi nationals. The other legislative instrument is the 21st law from the ministry of migration of Iraq widened the description of an immigrant to incorporate the definition from the refugee resolution. Nonetheless, there is a lack of overall consistency in the protection provided under these legislations regarding rights and entitlement. A Memorandum of Understanding was signed in October 2016 by the UNHCR and the Iraq government to develop the protection of refugees. Under the term of this MoU, the Iraqi Government is obligated to provide identity documents to asylum seekers beside that UNHCR provides more guidance.

Keywords : law, refugee, protection, Kurdistan

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